

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report)

Committee Room,

Austin, Texas, Feb. 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 74, A bill to be entitled "An Act creating a tribunal to be known as the Court of Industrial Relations to be composed of the members of the Railroad Commission of Texas; prescribing the jurisdiction, powers, authority, functions and duties of said Court; declaring the operation of public utilities and common carriers to be affected with a public interest and subject to supervision by the State and providing for such supervision; providing what classes of business or service shall be considered public utilities or common carriers within the meaning of the Act; providing penalties for its valuation; making this Act cumulative of the Public Utilities Act and to be construed in harmony therewith; providing for the enforcement of the orders and decisions of the Court by injunction and otherwise, and making it the duty of the Attorney General to enforce same; expressing the legislative intent that any invalid or unconstitutional provision of the Act shall not invalidate any other provision thereof; declaring an emergency."

Beg leave to differ with the majority of said committee, and to recommend that said bill do pass.

PAGE.

McMILLIN.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Monday, Feb. 14, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.
Baugh.
Bledsoe.
Carlock.
Cousins.
Darwin.
Davidson.
Dorough.
Dudley.
Fairchild.
Floyd.
Harp.
Hertzberg.

Lewis.
McMillin.
McNealus.
Murphy.
Page.
Richards.
Rogers.
Suiter.
Watts.
Williams.
Wood.
Woods.

Absent.

Buchanan.
Clark.
Parr.

Russell.
Witt.

Absent—Excused.

Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(Senator Hertzberg in the Chair.)

Consideration of Contest Case.

Senator Bailey here called up from the table the report from the Committee on Privileges and Elections, relative to Eickenroht-Richards contest case.

The following reports, one a majority and one a minority, from the Committee on Privileges and Elections, were read to the Senate, having been reported on Friday, Feb. 11:

Committee Room,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, the Committee on Privileges and Elections, to whom was referred the contest filed by Reno Eickenroht, contesting the election of C. F. Richards as Senator from the Twenty-first Senatorial District of Texas, having had the same under consideration, and after having fully considered the said contest and the demurrer and exceptions filed thereto by the contestee, and having heard both parties thereto, adopt a resolution that same be sustained, and I am directed to return said contest and all papers pertaining thereto to the Senate of Texas with the recommendation that said demurrer and exceptions be in all

things sustained, and that said contest be dismissed.

COUSINS, Vice Chairman.

(Minority Committee Report.)

Committee Room,

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I, a minority of your Committee on Privileges and Elections, to whom was referred the contest filed by Reno Eickenroht, contestant, vs. C. F. Richards, contestee, from the Twenty-first Senatorial District of Texas, have had the same under consideration, and after having heard and considered the demurrers and exceptions filed thereto by the contestee, I beg leave to report same back to the Senate with the recommendation that said demurrers and exceptions so filed, heard and considered, be, in all things, overruled, and that the contestant be instructed to proceed with his case by the introduction of evidence in support of his petition and that the committee proceed to hear all of said evidence by both parties.

I believe that it is unfair to the Democrats of Texas and to the voters of the Twenty-first Senatorial District to deny to them the right to have the names of the candidates for the Senate from their district properly and legally printed upon all the ballots used at the general election.

MURPHY.

Senator Dorough moved to adopt the majority committee report, and

Senator Murphy moved, as a substitute, to adopt the minority committee report.

Action recurred on the substitute motion first.

Pending.

Resolution Signed By the Chair.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after it had been read, the following resolution:

H. C. R. No. 23, providing for joint session of the House and Senate for a conference with the Governor.

Action here recurred on the pending business, the consideration of the committee report on Privileges and Elections.

In Joint Session.

Here the Chair announced that the

hour had arrived for the Senate and House to sit in Joint Session for a conference with the Governor, and the Senate so repaired to the House.

In the Senate.

The Senate convened again at 11:30 following the conclusion of the Joint Session and was called to order by Lieutenant Governor Davidson.

Pending Business Resumed.

The pending business, being consideration of the report from the Committee on Privileges and Elections, relative to the contest, the question being on the motion to adopt the minority committee report. The motion was lost by the following vote:

Yeas—1.

Murphy.

Nays—23.

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| Bailey. | Hertzberg. |
| Baugh. | Lewis. |
| Bledsoe. | McMillin. |
| Carlock. | McNealus. |
| Cousins. | Page. |
| Darwin. | Suiter. |
| Davidson. | Watts. |
| Dorough. | Williams. |
| Dudley. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Harp. | |

Present—Not Voting.

Richards.

Absent.

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| Buchanan. | Parr. |
| Clark. | Russell. |
| Hall. | Rogers. |

The majority committee report was then adopted, which seated Senator Richards as the Senator from the Twenty-first District.

(Senator Woods in the Chair.)

Bills and Resolutions.

By Senator Murphy:

S. B. No. 244, A bill to be entitled "An Act to amend Article 1140 and subdivision 8 of Article 1140 of the

Revised Statutes of 1911 of the State of Texas, defining the powers of private corporations so as to permit and empower corporations formed under Subdivisions 1, 2 and 3, of Article 1121, of the Revised Statutes of 1911, of the State of Texas to increase the maximum number of the directors or trustees of such corporations from twenty-five to seventy-five."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Fairchild:

S. B. No. 245, A bill to be entitled "An Act creating the Palestine Independent School District in Anderson County, Texas, making its boundaries co-extensive with the City of Palestine; providing for a Board of Trustees; vesting title to all school property within said district in the Trustees and their successors; providing that the present Board of Trustees of the Palestine Public Schools be the Board of Trustees for this district, and the terms of office of said Trustees shall expire as heretofore, and their successors have been elected and qualified; authorizing the Board of Trustees to exercise all the rights and powers conferred by the General Laws upon Trustees, and all such powers as heretofore possessed by the Board of School Trustees of the City of Palestine; giving to said district all the rights, powers, privileges and duties of a town or village incorporated for free school purposes only; and vesting in said Board of Trustees of said district all such powers, rights, privileges and duties given or imposed by general law upon the Trustees of independent school districts; and all such powers that are now vested in the City Council of Palestine, in so far as they relate to, or concern, the public free schools, and also such powers as are, or may be, vested in the governing body of any city in this State incorporated under the General Laws, in so far as same relates to the public free schools; validating and continuing in force the local maintenance tax heretofore voted in said city of Palestine until the voters in this district shall increase, diminish, or abolish, said tax; providing that any tax provided by general law and voted during 1921 shall be collected for 1921 and subsequent years, and may be levied, assessed and collected on or before January 31st, after such election, and annually thereafter, as provided by

general law, until changed by a vote of the district; providing, that if any part of this Act is held ineffective or unconstitutional, the remaining parts shall not be invalidated, and repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Fairchild:

S. B. No. 246, A bill to be entitled "An Act to provide for the giving of notices by any corporation, firm or person injuring or killing any live stock by running any engine, car or cars over or against any such live stock; providing that the failure to give such notice shall make said person, firm or corporation liable in double the amount of the damages sustained by the owner or owners of such stock killed or injured; and providing an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Floyd:

S. B. No. 247, A bill to be entitled "An Act regulating the manufacture and sale of ice cream or fruit ice cream or nut ice cream in this State; prohibiting the sale of such products except under their true name, and providing for inspection thereof; prescribing a standard for ice cream or fruit ice cream or nut ice cream, providing for the pasteurization of same, making it unlawful to sell as ice cream, fruit ice cream or nut ice cream any product not conforming to standard prescribed in this Act; authorizing the inspection and method of compliance with the law in this respect; prescribing the duty of the State Health Officer and his chemist, inspectors and other persons appointed by him in the enforcement of the provisions of this Act; making it unlawful to obstruct the State Health Officer or those under his direction in exercising the powers conferred; providing penalties for violation of this Act and making accumulative of all laws and parts of laws in this State, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Witt, by request.

S. B. No. 248, A bill to be entitled "An Act to provide for the location, establishment and maintenance of one colony for the treatment of persons suffering from tuberculosis, and to pro-

vide for the care and treatment of indigent consumptives and making an appropriation therefor, defining a citizen as used in this Act, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Hertzberg:

S. B. No. 249, A bill to be entitled "An Act regulating the practice of medicine; amending certain articles and adding new articles to Title 90, Chapter 1, Civil Statutes of this State; amending certain articles and adding new articles to Title 12, Chapter 6, of the Penal Code of this State, as follows: By amending Article 5737, prescribing the duties of the District Clerks on cancellation of the license of a physician; by amending Article 5738, prescribing the conditions on which one may be licensed to practice medicine in this State under reciprocity arranged with the authorities of other States; by amending Articles 5741, Civil Statutes, authorizing the State Board of Medical Examiners at its discretion to conduct examinations in two parts and prescribing the fee to be paid by the applicant for each examination; by amending Chapter 129, Acts of the Regular Session of the Twenty-sixth Legislature, approved March 24th, 1919, to be known hereafter as Article 5744a, Civil Statutes; making it the duty of the State Board of Medical Examiners to cancel the license of any practitioner of medicine for reasons enumerated, and prescribing the procedure to be followed in such cases; by adding a new article to be numbered 5744b of the Civil Statutes, authorizing suits for injunction be brought by the Attorney General of the State and the District and County Attorneys of the State; by the Board of Medical Examiners and by any citizen of the county of the residence of the defendant, to prohibit any person from practicing medicine in this State in violation of law; by amending Article 750 of the Penal Code of this State, making it unlawful for any person to practice medicine without first taking the oath prescribed and having his license registered by the District Clerk of the county where he is located or into which he may remove and prescribing punishment for making a false oath before said clerk; by adding a new article to Chapter 6, Title 12, of the Penal Code of the State, to be Article

750a, making it unlawful for any person to practice medicine after his license has been canceled by the State Board of Medical Examiners or by any court of competent jurisdiction, prescribing as punishment therefor on conviction confinement in the penitentiary, by amending Article 756 of the Penal Code of this State, prescribing that where any person is convicted under the laws of this State for practicing medicine in violation of law that in addition to other punishment inflicted, the court shall enter judgment against the defendant perpetually enjoining him from continuing such violation; by amending Chapter 6, Title 12, of the Penal Code, by adding a new article to be numbered Article 756a, making it a criminal offense for any applicant for license to make a false oath in his application to the Board or to make a false oath before the District Clerk to secure registration of his license, said offense shall constitute false swearing and shall be punished as such as provided by the laws of this State."

Read first time and referred to Committee on Public Health.

(By Unanimous Consent.)

By Senator Hertzberg:

S. B. No. 250, A bill to be entitled "An Act to validate sales of certain public school lands situated in whole or in part in Uvalde County, State of Texas, sold by the State on November 28, 1904, September 20, 1909, and January 2, 1919; and declaring an emergency."

Read first time and referred to Committee on Public Land and Land Office.

By Senator Suiter:

S. B. No. 251, A bill to be entitled "An Act to amend Chapter 69 of the Special Laws, passed at the Regular Session of the Thirty-second Legislature, 1911, and approved by Governor March 23rd, 1911, which said Act was amended at the Regular Session of the Thirty-fifth Legislature, 1917, by Chapter 66 of the Special Laws of the said Thirty-fifth Legislature and approved by the Governor the 26th day of March, 1917, and being an Act entitled 'An Act incorporating the Winnsboro Independent School District in Wood and Franklin Counties, Texas, for free school purposes only, defining its boundaries, providing for a Board of Trustees, divesting the City of Winnsboro of the control of its public schools and

title to school property and vesting the same in said Winnsboro Independent School District, and its Board of Trustees, prescribing the right, powers, privileges and duties of Trustees, and declaring an emergency,' by more clearly defining its boundaries and providing the date on which the fiscal year begins and ends and the date on which taxes unpaid shall become delinquent, and declaring an emergency."

Read first time and referred to Committee on Education.

(Lieutenant Governor Davidson in the chair.)

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. C. R. No. 24, Relating to Confederate Soldiers' Home, with reference to permitting occupants of the Confederate Home and the Home for Wives of Confederates to reside at same place.

Respectfully submitted,

N. K. BROWN,

Chief Clerk House of Representatives.

The above resolution was read and referred to Committee on Public Buildings and Grounds.

Morning call concluded.

Senate Concurrent Resolution No. 14. —Special Order.

On motion of Senator McNealus, Senate Concurrent Resolution No. 14, a special order for this hour, was laid on the table subject to call.

Recess.

On motion of Senator Woods the Senate, at 12 o'clock, noon, recessed until 3 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order at 3 o'clock, Lieutenant Governor Davidson in the chair.

Senate Bill No. 88.

The Chair laid before the Senate, on third reading,

S. B. No. 88, A bill to be entitled "An Act to amend Section 61 of Article 30, Title V, of the Revised Statutes changing the time of holding the terms of the District Court of the 61st Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—26.

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| Bailey. | McMillin. |
| Baugh. | McNealus. |
| Bledsoe. | Murphy. |
| Carlock. | Page. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dorough. | Suiter. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hertzberg. | Wood. |
| Lewis. | Woods. |

Absent.

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| Buchanan. | Parr. |
| Harp. | |

Absent—Excused.

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| Clark. | Hall. |
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Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency."

H. C. R. No. 22, Relating to insuring property owned by the State.

Respectfully submitted,

N. K. BROWN,
Chief Clerk House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following:

H. B. No. 342, Referred to Committee on Finance.

H. C. R. No. 2, Referred to Committee on Insurance and Banking.

Senate Bill No. 89.

The Chair laid before the Senate on third reading,

S. B. No. 89, A bill to be entitled: "An Act to amend Chapter Forty-six (46) of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to provide that all corporations that are required by law to pay an annual franchise tax shall make a report to the Secretary of State between the first day of January and the fifteenth day of March, and prescribing what such report shall contain; providing that the Secretary of State may, for good cause shown, extend such time to any date up to the first day of May; providing the date such report shall be made by certain foreign corporations; prescribing penalty for failure to make such report; providing that such report shall be subject to inspection only by persons who are interested directly in the subject matter of such report, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—24.

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| Bledsoe. | McNealus. |
| Carlock. | Murphy. |
| Cousins. | Page. |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dorough. | Russell. |
| Dudley. | Suiter. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hertzberg. | Witt. |
| Lewis. | Wood. |
| McMillin. | Woods. |

Absent.

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| Bailey. | Harp. |
| Baugh. | Parr. |
| Buchanan. | |

Absent—Excused.

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| Clark. | Hall. |
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Senate Bill No. 14.

Senator Dorough called up from the table, and the Chair laid before the Senate on second reading,

S. B. No. 14, A bill to be entitled "An Act making it a felony for any ten or more persons to enter into an agreement by which it is sought to make less doubtful the result of any game of baseball or football, foot race or any other game or sport; prescribing penalties for violations hereof, and declaring an emergency."

There being a committee substitute for the bill, Senator Dorough moved that the substitute be printed in the Journal and that the bill be laid on the table subject to call.

The motion was adopted.

(Committee Substitute for Senate Bill No. 14.)

A BILL

to be entitled

An Act to define and punish the bribery or attempted bribery of any baseball player of umpire or manager in a baseball game; to define and punish the acceptance or agreement to accept a bribe by a baseball player or a manager of a baseball club, or an umpire in a baseball game; providing for the venue in prosecutions of such offenses; regulating and governing the rules of evidence in prosecutions of such offenses and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall bribe, or offer to bribe, any baseball player with intent to influence his play, action or conduct in any baseball game, or if any person shall bribe or offer to bribe any umpire of a baseball game, with intent to influence his decision or bias his opinion or judgment in relation to any baseball game, or if any person shall bribe or offer to bribe any manager of any baseball club, with intent to induce him to lose or cause to be lost any baseball game, such person shall be punished by imprisonment in the State penitentiary for not less than two (2) years nor more than five (5) years.

Sec. 2. If any baseball player shall accept, or agree to accept, a bribe offered for the purpose of influencing his play, action or conduct in any baseball game, or if any umpire

of a baseball game shall accept or agree to accept a bribe offered for the purpose of influencing his decision or basing his opinion or judgment, or if any manager of a baseball club shall accept or agree to accept any bribe offered for the purpose of inducing him to lose or cause to be lost any baseball game, as set forth in the preceding Section of this Act, such baseball player or manager of a baseball club, or umpire of a baseball game, shall be punished by confinement in the State penitentiary for not less than two (2) years nor more than five (5) years.

Sec. 3. To complete the offenses mentioned in the two preceding sections of this Act, it is not necessary that the baseball player or umpire of a baseball game or manager of a baseball club shall have been actually employed, selected or appointed to play in a game or to umpire a game or to manage a baseball club; it is sufficient if the bribe be offered, or accepted, or agreed to, with the view to the probable employment, selection or appointment of the person to whom the bribe is offered or by whom it is accepted. Nor is it necessary that such baseball player or umpire or manager actually play in a game or umpire a game or manage a baseball club participating in a game, as the case may be; it is sufficient if the bribe be given, or offered, or accepted, in view of his possibly playing or managing or acting as umpire, as the case may be.

Sec. 4. By a "bribe" as used in this Act is meant any gift, emolument, money, or thing of value, testimonial, privilege, appointment or personal advantage, or the promise of either, bestowed or promised for the purpose of influencing, directly or indirectly, any player or manager of a baseball club or umpire in any game of baseball, to see which game an admission fee may be charged, or in which game of baseball any player or umpire is paid any compensation for his services.

Sec. 5. The bribe as defined in this Act need not be direct; it may be hidden under the semblance of a sale, bet, wager, payment of a debt, or in any other manner designed to cover the true intention of the parties.

Sec. 6. In all prosecutions under this Act the venue may be laid

in any county where the bribe was given, offered or accepted, or in which the baseball game was played in relation to which the bribe was offered, given or accepted.

Sec. 7. In all prosecution under Section 1 of this Act, the baseball player or umpire or manager to whom the bribe is given or offered shall not be deemed to be an accomplice witness, and the rules of accomplice testimony shall not apply to any evidence given by such baseball player or umpire or manager. In all prosecutions under Section 2 of this Act, the person giving or offering the bribe to a baseball player or to an umpire of a baseball game or to the manager of a baseball club shall not be deemed to be an accomplice witness, and the rules of accomplice testimony shall not apply to any evidence given by such person.

Sec. 8. Nothing in this Act shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager or baseball player by any person to encourage such manager or player to a higher degree of skill, ability or diligence in his work, unless such person giving or offering such bonus or extra compensation, gives or offers the same in order to win or help win a bet or wager.

Sec. 9. The fact that there is no law in this State defining or punishing the bribery or attempted bribery of a baseball player or manager of a baseball club or umpire of a baseball game, and no law in this State defining and punishing the acceptance of a bribe or the agreement to accept a bribe by a baseball player or manager of a baseball club, or umpire of a baseball game, and the further fact that clean sport demands and requires some law to safeguard professional and semi-professional baseball games, creates an emergency, and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senate Bill No. 113.

The Chair laid before the Senate, on second reading,

S. B. No. 113, A bill to be entitled

"An Act regulating and controlling the business or occupation and those engaged in the business, occupation or employment of caring for, dressing, adorning and beautifying the human hair, face, scalp, hands and skin, including barbers and barber shops and beauty shops and those connected therewith and declaring an emergency."

The bill was read third time and passed.

Senate Bill No. 28.

The Chair laid before the Senate on third reading.

S. B. No. 28, A bill to be entitled "An Act to amend Article 5436 of Chapter 9, Title 79, of the Revised Civil Statutes of 1911, of the State of Texas, relating to the sale of public free school and asylum lands, so as to provide for the sale of such lands by the purchaser or any vendee thereof, either in whole tracts or such portions thereof as such purchaser or vendee may desire; and to further provide that the vendee of such lands may be substituted as, and become the purchaser thereof, direct from the State, and that he shall, as to such land, become subject to all of the obligation and penalties imposed by law upon the original purchaser of such land, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 16.

Senator Dorrough called up from the table, and the Chair laid before the Senate on second reading.

S. B. No. 16, A bill to be entitled "An Act to amend Article 1521 of the Revised Civil Statutes of Texas, defining the jurisdiction of the Supreme Court, as amended by the Acts of 1913, page 107, further limiting the jurisdiction of the Supreme Court, and declaring an emergency."

The bill was read second time, and pending discussion, Senator Woods offered the following amendments which were read and adopted:

Amend printed S. B. No. 16, by striking out Subdivisions No. 5 and 6 of Article 1521, lines 27 to 30 in-

clusive, page 1 of the bill, and by inserting in lieu thereof the following:

5. Those in which the State of Texas, or the head of any department of the State Government as such, on the Railroad Commission is a party.

Those in which construction of any provision of the State Constitution or of the Constitution of the United States, or of any Act of Congress is involved.

WOODS.
BAILEY.

Senator Dorrough offered the following amendments, severally, which were read and adopted:

Amend the printed caption to printed S. B. No. 16, line 8, by striking out the word "defingig" and substitute in lieu thereof the following: "defining."

Amend printed S. B. No. 16, line 16, by adding the words "to" and "questions."

Amend printed Senate Bill No. 16, by striking out all of line 17 after the word "causes" and all of line 18 and substitute the following "of which the Courts of Civil Appeals have appellate jurisdiction in the following cases when same have been brought to the Courts of Civil Appeals by writ of error or appeal from final judgment of trial courts."

Amend printed Senate Bill No. 16, line 20, by striking out the word "aby" and substitute in lieu thereof the following: "any."

Amend printed Senate Bill No. 16, line 23, by striking out the letters "ofrof" after the words "Civil Appeals" and substitute in lieu thereof the following: "or of."

Amend printed Senate Bill No. 16, line 25 by placing an "s" at the end of the word "Statute."

Amend printed Senate Bill No. 16, line 31 by striking out the word "four" and substitute the word "court."

Amend the printed bill, line 16, by striking out the word "Stae" and substituting in lieu thereof the following: "State."

Action here recurred on the engrossment of the bill.

Senator Fairchild moved that the bill, as amended, be printed in the Journal, and that the bill be laid on the table subject to call.

Senator Dorrough moved to table the motion by Senator Fairchild,

which motion to table was adopted by the following vote:

Yeas—14.

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| Baugh. | Murphy. |
| Carlock. | Rogers. |
| Darwin. | Suiter. |
| Davidson. | Watts. |
| Dorough. | Witt. |
| Dudley. | Wood. |
| Hertzberg. | Woods. |

Nays—12.

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| Bailey. | McMillin. |
| Bledsoe. | McNealus. |
| Cousins. | Page. |
| Fairchild. | Richards. |
| Harp. | Russell. |
| Lewis. | Williams. |

Present—Not Voting.

Floyd.

Absent.

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| Buchanan. | Parr. |
| Clark. | |

Absent—Excused.

Hall.

Action recurred on the engrossment of the bill and the Senate refused to pass same by the following vote:

Yeas—10.

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| Bailey. | Dorough. |
| Baugh. | Page. |
| Carlock. | Suiter. |
| Cousins. | Watts. |
| Davidson. | Woods. |

Nays—16.

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| Bledsoe. | McNealus. |
| Darwin. | Murphy. |
| Dudley. | Richards. |
| Fairchild. | Rogers. |
| Harp. | Russell. |
| Hertzberg. | Williams. |
| Lewis. | Witt. |
| McMillin. | Wood. |

Present—Not Voting.

Floyd.

Absent.

| | |
|-----------|-------|
| Buchanan. | Parr. |
| Clark. | |

Absent—Excused.

Hall.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 26, A bill to be entitled "An Act to regulate and supervise the sale and purchase in the State of Texas of stocks, stock certificates, bonds, debentures or other securities, and the transaction of business in this State of persons, joint stock companies, common law trusts, co-partnerships, companies or other persons or organizations offering for sale in this State such securities excepting companies incorporated under the laws of the State of Texas, and declaring an emergency."

The House has defeated:

H. B. No. 107, A bill to be entitled "An Act levying an occupation tax on circus shows, carnival companies, wild west shows, trained animal shows, amusement companies and other aggregations giving similar exhibitions in this State; specifying the tax to be paid and reports to be made, and the duty of the Comptroller and tax collector; prescribing penalties; repealing Sections 14, 15 and 16 of Article 7355, Revised Civil Statutes of 1911, and declaring an emergency."

Respectfully submitted,

N. K. BROWN,
Chief Clerk of the House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had read, after their captions had been read, the following House bill:

H. B. No. 26, referred to Committee on Civil Jurisprudence.

Special Order.

Senator Dudley moved to set S. B. No. 142 as a special order for Thursday morning, following the conclusion of House bills.

The motion was adopted.

Senate Bill No. 234.

Unanimous consent was given Sena-

tor Page to take up for consideration S. B. No. 234.

The Chair laid before the Senate on second reading.

S. B. No. 234, A bill to be entitled "An Act to amend Chapter 145, General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, which chapter was 'An Act to amend Chapter 1 of Title 44, of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting and for the qualification of such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency;' the effect of this amendment being to add to said chapter a new article immediately following Article 2435, which new article is to be known as Article 2435a, and to provide in substance that during the existence of any general financial or industrial depression at the end of any biennial depository period after new depositories have been selected by the State Depository Board, if it should be found by the State Depository Board that any of the then existing old depositories have not been or will not be selected as depositories for the next two-year period under the bids submitted, and that the withdrawal of the entire amount of State funds in any particular depository on March first will create a demand on such old depository which it will not be able to meet, though otherwise solvent, then the State Depository Board shall have the discretion and authority to extend the time of payment of such funds into the State Treasury from time to time; provided, however, that such extension shall not be made unless and until such old depository executes a new contract and bond or gives security, as in the first instance, for such period of time as the State Depository Board may designate and at such rate of interest as the State Depository Board may find to be not less than the approximate average rate of interest which the State would receive under the bids submitted for the current biennial depository period into which such extension of time is made, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 234 put on its third reading and final passage by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | McNealus. |
| Bledsoe. | Murphy. |
| Carlock. | Page. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dorough. | Suiter. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods. |
| Lewis. | |

Absent.

| | |
|-----------|-------|
| Buchanan. | Parr. |
| Clark. | |

Absent—Excused.

Hall.

The bill was read third time and passed finally by the following vote:

Yeas—24.

| | |
|------------|-----------|
| Baugh. | McNealus. |
| Carlock. | Murphy. |
| Cousins. | Page. |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Suiter. |
| Floyd. | Watts. |
| Harp. | Williams. |
| Hertzberg. | Witt. |
| Lewis. | Wood. |
| McMillin. | Woods. |

Absent.

| | |
|-----------|----------|
| Bailey. | Clark. |
| Bledsoe. | Dorough. |
| Buchanan. | Parr. |

Absent—Excused.

Hall.

Senate Bill No. 101.

Senator McNealus called up from

the table and the Chair laid before the Senate on second reading.

S. B. No. 101, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2, of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Section 1, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature by increasing the annual license fee on commercial vehicles and interurban commercial vehicles, and amending Section 16a, added to Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature, by increasing the license fee on commercial and interurban commercial vehicles based upon carrying capacity and per mile traveled, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 101 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|------------|-----------|
| Bailey. | McNealus. |
| Baugh. | Murphy. |
| Carlock. | Page. |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dorough. | Russell. |
| Dudley. | Suiter. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Harp. | Witt. |
| Hertzberg. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent.

| | |
|-----------|----------|
| Bledsoe. | Cousins. |
| Buchanan. | Parr. |
| Clark. | |

Absent—Excused.

Hall.

The bill was read third time and passed finally by the following vote:

Yeas—25.

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | McNealus. |
| Carlock. | Murphy. |
| Cousins. | Page. |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dorough. | Russell. |
| Dudley. | Suiter. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Harp. | Witt. |
| Hertzberg. | Wood. |
| Lewis. | |

Absent.

| | |
|-----------|--------|
| Bledsoe. | Parr. |
| Buchanan. | Woods. |
| Clark. | |

Absent—Excused.

Hall.

Senate Bill No. 184.

The Chair laid before the Senate on third reading,

S. B. No. 184, A bill to be entitled "An Act creating the Desdemona Independent School District in Eastland County, Texas, defining its boundaries, such boundaries to be the same as Common School District No. 41 of Eastland County; providing for a Board of Trustees in said district; conferring upon said district and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the Board of Trustees thereof; providing that the present Board of Trustees of said Common School District No. 41 shall continue in office until the first Saturday in April, 1921, or until their successors are elected and qualified; and providing that such trustees shall have the power to appoint four other trustees; providing for an election to be held on the first Saturday of April, 1921, to elect the successors of said trustees; declaring the maintenance tax and bond tax heretofore authorized in said Common School District No. 41 to be valid and binding upon said independent school district; providing for an Assessor and Collector of Taxes for said district; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obliga-

tions, contracts and indebtedness legally existing against Common School District No. 41 are imposed upon the Desdemona Independent School District; providing the title to all property within said district and all funds shall vest in the Board of Trustees of said Desdemona Independent School District and their successors in office; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Carlock. | Murphy. |
| Clark. | Page. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dorough. | Suiter. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods. |

Absent.

Buchanan. Parr.

Absent—Excused.

Hall.

Senate Bill No. 160.

The Chair laid before the Senate on third reading:

S. B. No. 160. A bill to be entitled "An Act creating the Hammond Independent School District of Robertson County, Texas, as is included by the field notes as follows: Defining its boundaries, investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the general law; providing for a Board of Trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—27.

| | |
|----------|------------|
| Bailey. | Davidson. |
| Baugh. | Dorough. |
| Bledsoe. | Dudley. |
| Carlock. | Fairchild. |
| Cousins. | Floyd. |
| Darwin. | Harp. |

| | |
|------------|-----------|
| Hertzberg. | Russell. |
| Lewis. | Suiter. |
| McMillin. | Watts. |
| McNealus. | Williams. |
| Murphy. | Witt. |
| Page. | Wood. |
| Richards. | Woods. |
| Rogers. | |

Absent.

Buchanan. Parr.

Clark.

Absent—Excused.

Hall.

Resolutions Signed.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following H. C. R.:

H. C. R. No. 21, relating to investigation of crude oil reduction prices.

Adjournment.

On motion of Senator Page the Senate, at 5:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions.

Senator McNealus offered and had read a telegram from Fort Worth, signed by Rabbi Fox, Rev. Heaton and Father Nolan, urging legislation against prize fighting, but in favor of boxing matches.

Senator Bailey offered and had read a petition from various citizens of Black Jack, Atascosa County, relative to proposed legislation on educational matters. This was referred to Committee on Educational Affairs.

Committee Reports.

Committee Room.

Austin, Texas, Feb. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 152. A bill to be entitled "An Act amending Articles 657, Revised Statutes, 1911, providing for the issuance of county bonds to fund or

refund bonds or warrants legally issued by a county, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, with committee amendment.

Russell, Chairman; Baugh, Darwin, Watts, Buchanan, Cousins, Harp.

(Committee Amendment.)

Amend S. B. No. 152 by adding the following after Section 1: Provided, that law requiring an election to authorize the issuance of county bonds shall not apply to the bonds authorized to be issued by this article.

Committee Room.

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 232, A bill to be entitled "An Act amending Section 14 of Chapter 81 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the Board of Trustees of Donna Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 233, A bill to be entitled "An Act amending Section 14 of Chapter 85 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the Board of Trustees of Edinburg Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such serv-

ices to such attorney; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 277, A bill to be entitled "An Act creating the Tuscola Independent School District in Taylor County, Texas; defining its boundaries; providing for a Board of Trustees in said district; conferring upon said district and its Boards of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 338, A bill to be entitled "An Act creating and incorporating the Lyford Independent School District, in Cameron County, Texas; including the town of Lyford, defining boundaries, providing for a Board of Trustees, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 220, A bill to be entitled "An Act creating the Hewitt Inde-

pendent School District in McLennan County, Texas; defining its boundaries including the present Hewitt Independent School District; providing for a Board of Trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for an assessor and collector of taxes and board of equalization; providing that the Hewitt Independent School District as herein created shall become bound and liable for the payment of its pro rata part of any outstanding bonded indebtedness heretofore voted upon any territory taken away from any other school district and included within the bounds of the Hewitt Independent School District as herein created; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 245, A bill to be entitled "An Act creating the Palestine Independent School District in Anderson County, Texas, making its boundaries coextensive with the city of Palestine; providing for a board of trustees; vesting title to all school property within said district in the trustees and their successors; providing that the present board of trustees of the Palestine Public Schools be the board of trustees for this district, and the terms of office of said trustees shall expire as heretofore, and their successors have been elected and qualified; authorizing the board of trustees to exercise all the rights and powers conferred by general laws upon trustees, and all such powers as heretofore possessed by the board of school trustees of the city of Palestine; giving to said dis-

trict all the rights, powers, privileges and duties of a town or village incorporated for free school purposes only; and vesting in said board of trustees of said district all such powers, rights, privileges and duties given or imposed by general law upon the trustees of independent school districts; and all such powers that are now vested in the city council of Palestine, in so far as they relate to, or concern, the public free schools, and also such powers as are, or may be, vested in the governing body of any city in this State incorporated under the general laws, in so far as same relate to the public free schools; validating and continuing in force the local maintenance tax heretofore voted in said city of Palestine until the voters in this district shall increase, diminish, or abolish, said tax; providing that any tax provided by the general law and voted during 1921 shall be collected for 1921 and subsequent years, and may be levied, assessed and collected on or before January 31st, after such election, and annually thereafter, as provided by general law, until changed by a vote of the district; providing, that if any part of this Act is held ineffective or unconstitutional, the remaining parts shall not be invalidated, and repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 148, A bill to be entitled "An Act to direct and authorize the county commissioners' courts of all counties in the State of Texas to construct, at all points where county roads or State highways cross at grade or steam railroad or interurban line, a safety crossing device of any character which makes or tends to make automobiles or other vehicles reduce the speed when crossing said railroads, or interurban lines, and to provide a penalty for drivers of automobiles or other vehicles, or

other persons, for failing to use said device when constructed, and for destroying or mutilating said device, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 209, A bill to be entitled "An Act providing for the payment of witnesses in felony cases residing outside of the State of Texas, and within two hundred miles of the State boundary; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 230, A bill to be entitled "An Act to amend Article 1057, Chapter 7, of the Penal Code of Texas, relating to punishment for kidnapping and changing such punishment where minors under seventeen years of age are kidnapped, to death or imprisonment in the penitentiary for life, or a term of years not less than five,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 237, A bill to be entitled "An Act to amend Article 788 of the Code of Criminal Procedure of this

State adopted in 1911, by providing that all persons are competent to testify in criminal actions, except insane persons who are in an insane condition of mind at the time when they are offered as witnesses, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 199, A bill to be entitled "An Act to amend Article 1533, of Penal Code of the Revised Criminal Statutes of Texas, 1911, according to the revision made by the Vernon Law Book Company, being an amendment of Section 2, of the Acts of 1907, page 94; and of the Acts of 1911, page 151, Section 1, and prohibiting railway companies, street railway companies, interurban railway companies, or other chartered common carrier or transportation companies or express or sleeping car companies, or telegraph or telephone companies or the receiver or lessees thereof, or their officers, agents or servants in this State from carrying persons free of charge or carrying property free of charge or transmitting messages free of charge or giving to or for any person or passenger a free pass or authority to travel or pass free or to have property or messages transported free over any line or lines owned, operated or controlled by any such company in this State, and naming certain persons who are excepted from the provision,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 175, A bill to be entitled "An Act to create in Dallas County,

the Dallas County District Court of Domestic Relations,"

Have had the same under consideration, and I am instructed to return the same back to the Senate with the recommendation that it do pass.

RICHARDS, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 242, A bill to be entitled "An Act to regulate granting restraining orders and injunctions to prevent orders of Railroad Commission becoming effective, providing for the giving of notice to defendants before temporary injunctions shall be granted and limiting the time the restraining orders may be effective; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of stocks by any person, firm, corporation, joint stock company, or any other association of persons organized for profit which proposes to increase their capital stock; and to regulate and supervise the sale and purchase in this State of stocks of persons, firms, corporations, joint stock companies, or other associations of persons, being organized and hereafter organized for profit and to regulate and supervise the offering or contracting for sale and purchase of such stocks; and to fix commissions and promotions fees allowed to be charged; prohibiting the issuance of permits to do business and the granting of applications to such concerns organized or incorporated under the laws of some other State with the intent and purpose of evading the laws of Texas; providing for the licensing of agents and brokers offering for sale within this State stocks or shares subject to the operation of this Act, and providing penalties for violations by agents and brokers; re-

quiring the Attorney General to appoint, designate and set apart a competent assistant to advise the Secretary of State and Commissioner of Banking and Insurance in the enforcement of this Act, setting forth his rights, duties and powers in such enforcement and authorizing the institution of quo warranto, injunction and other suits; and providing for service of process, examination fees, and exempting certain corporations from the effect of this Act; providing a penalty for the violation of the provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 147, A bill to be entitled "An Act providing that when the person or property of anyone is injured or damaged through the negligence of another upon any public highway and by means of an automobile, truck or other motor driven vehicle owned by another and whether such automobile, truck or other motor vehicle is being operated at the time by the owner thereof or any other person, other than the person who, or whose property is injured or damaged, suit may be brought by the party in interest for the injury so sustained or the damages so done, and if a judgment thereon is obtained it shall be a first lien upon such automobile, truck or other motor vehicle, any contract lien thereon to the contrary notwithstanding. Upon the filing of such suit such automobile, truck or other motor driven vehicle may be attached by the plaintiff the same as if the damages in said suit were liquidated damages and thereafter said automobile, truck or other motor driven vehicle shall be dealt with in such suit as in other suits involving attachments for liquidated damages under existing laws, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 204, A bill to be entitled "An Act to amend Article 3717 of Title 54 of the General Laws of the State of Texas, fixing the time when judgments shall become dormant, and judgment liens inoperative; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 227, A bill to be entitled "An Act to amend Article 5114 of the Revised Civil Statutes of the State of Texas, 1911, Title 75, by striking out the word 'male' where it appears in said section, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 227, A bill to be entitled "An Act to amend Article 5114 of the Revised Civil Statutes of the State of Texas, 1911, Title 75, by striking out the word 'male' where it appears in said section, and declaring an emergency,"

Beg leave to differ with the majority of said committee, and to recommend that said bill do pass.

BLEDSON,
DAVIDSON,
WOODS.

Committee Room,
Austin, Texas, Feb. 11, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 38 and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 320, A bill to be entitled "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation district, and Acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and which sections relate, respectively, Section 4, to the mode of appeal from an order of the Commissioners' Court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit, and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of such district; Sections 80, 81 and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, providing the method of the selection of depositories of such district; and which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide, respectively, Section 4, for appeals from an order of the County Commissioners' Court in granting or refusing a petition for organization of a district, and that notice of appeal shall be given and perfecting of appeal by filing of a bond at the time of filing same, and fixing amount of such bond, and providing that the judgment on appeal shall be certified to the Commissioners' Court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same, suits for collecting, vesting jurisdiction in district court, and providing no limitation shall apply; Section 66, for providing the method of selling bonds of

the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor, such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature, and Acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, by the addition of new Sections 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137, which new sections provide, respectively: Section 122, for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing and collecting taxes by districts adopting the assessment for benefit plan of taxation; Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section 133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by county officers, and providing the method of handling same; Section 134, providing for sale of surplus water; Section 135, repealing Section 5a, Chapter 12, General Laws, Second Called Session, Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

Have had the same under consider-

ation, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 6 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 155 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 157 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 184 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 14, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 160 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 77 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 1 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 144 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 202 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 94 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, Feb. 15, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McNealus. |
| Bledsoe. | Murphy. |
| Carlock. | Page. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Suiter. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Harp. | Woods. |

Absent.

Buchanan. Parr.

Absent—Excused.

| | |
|------------|-----------|
| Clark. | McMillin. |
| Dorough. | Williams. |
| Hertzberg. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.